



FARM AND RANCH FREEDOM ALLIANCE

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Dear Sustainable Food Policy Board:

Thank you for looking into the issue of the recent City Council resolution regarding laying hens.

I fully support reforms to the industrial agriculture system to improve the conditions for livestock and poultry. The conditions for animals kept in large confinement operations are unacceptable. But the City Council's recent resolution did **not** simply endorse improvements for laying hens' living conditions. Rather, the resolution specifically endorsed the HSUS/UEP agreement: "The Austin City Council urges the United States Congress to introduce and pass legislation to codify the agreement between the HSUS and UEP to afford specific protections to all United States egg laying hens."

My first concern is whether any of the City Council members have actually read a copy of the agreement. To my knowledge, the text of the agreement has not been released. That in itself is a significant issue: the City should not endorse an agreement it has not seen.

All of my comments below are based on the news reports about the agreement and the text of the City Council's resolution. If the agreement has in fact been released, I would appreciate receiving a copy.

Issue 1: News reports on the agreement have stated that it includes a preemption provision that would prevent state and local governments from adopting stricter standards.

(<http://agwired.com/2011/07/07/united-egg-producers-hatches-deal-with-hsus/>) If the reports are accurate, the HSUS/UEP deal, which provides only minimal protections, would supersede state laws including those that have been passed in Arizona, California, Michigan and Ohio, and prevent Texas or the City of Austin from adopting higher standards in the future.

Issue 2: The Council's resolution called for a "prohibition on the sale of eggs and egg products nationwide that don't meet these requirements," which would apply not only to the large confinement operations that have caused the problems, but also to our local farmers. While our local farmers already exceed the standards for the hens' laying conditions that are set out in the resolution, the new labeling and euthanasia requirements could create unwarranted burdens:

- Labeling requirements would impose costs far beyond the actual cost of printing and applying the label. If each producer is required to develop individualized labels, they will have to expend significant time and effort in obtaining

government approval for their label. If instead the government creates standard categories for labeling, it would place our farmers at a significant competitive disadvantage. Consider, for example, the three label options that HSUS lists in its fact sheet: “eggs from caged hens, “eggs from cage-free hens” or “eggs from free-range hens.” (see www.humanesociety.org/assets/pdfs/farm/battery_cage_agreement_fact.pdf). A pasture-based producer forced to label his or her eggs with one of these three options would then have to explain to every customer why their eggs aren’t simply the same as the grocery store eggs that bear the exact same label. Either way, local farmers would be penalized.

- The euthanasia requirement could also cause a problem, depending on what it includes. Many local farmers slaughter older hens on-the-farm, either for personal consumption or for sale as stewing hens. I have been unable to find any details about the standards proposed under the HSUS/UEP agreement, and I am concerned that they may impose new burdens on on-farm processing. Without seeing the agreement, the resolution essentially endorses unknown requirements on our farmers.

Proposal: At a minimum, any requirements should exempt small-scale producers. The small-scale producers are not the problem, and they should not be subjected to new regulations because of the problems in the confinement operations. One option would be for the Council to consider a new resolution urging Congress to include an exemption for anyone with fewer than 3,000 laying hens. This is the exemption that FDA adopted in 2009 for new regulations on laying hen operations, noting that 99% of the eggs in this country are produced by operations with more than 3,000 hens (see www.fda.gov/Food/FoodSafety/Product-SpecificInformation/EggSafety/EggSafetyActionPlan/ucm170746.htm).

Thank you for your time and attention to this issue.

Regards,

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